

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6574

BILL NUMBER: SB 192

NOTE PREPARED: Jan 28, 2006

BILL AMENDED: Jan 26, 2006

SUBJECT: Bail Requirements.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. It provides that if a court requires a defendant to deposit cash or cash and other security in an amount equal to the defendant's bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay: (1) publicly paid costs of representation; and (2) fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could increase state revenue by allowing for the collection of court costs through any funds remaining from a defendant's full cash bond. Of the amount collected through court fees in the circuit, superior, county, municipal, and probate courts, the clerk distributes 70% for deposit in the state General Fund.

Of the court costs collected through the city or town courts, 55% is distributed to the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill could increase local revenue by allowing for the collection of court

fees through any funds remaining from a defendant's cash deposit equal to the amount of bail. Of the amount collected through court costs in the circuit, superior, county, municipal, and probate courts, the clerk distributes 27% for deposit in the county general fund and 3% to the local municipal fund (only if a city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court in the county).

Of the court costs collected through the city or town courts 20% is distributed to the county general fund and 25% to the city or town general fund.

Courts may also be able to recover additional costs incurred for the legal representation of indigent criminal defendants. In 2004, courts appointed pauper counsel in 130,058 cases including felonies, misdemeanors, juvenile post-conviction relief, and other cases and appeals. The costs for these cases were \$21,785,046. The average cost per case was \$167.

Between CY 2002 and 2004, the percentage of cases where pauper counsel was appointed in felonies and misdemeanors increased from 30% to 36%.

Felonies and Misdemeanors	2002	2003	2004
Total Filings	264,419	262,944	268,814
Where Pauper Counsel Appointed	80,226	88,309	97,558
Percent of Filings Where Pauper Counsel Appointed	30%	34%	36%

State Agencies Affected:

Local Agencies Affected: Courts; Clerks.

Information Sources: IC 33-19-7; *2004 Indiana Judicial Report*, Vol. I.

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